

REMARKS

In the Office Action of June 24, 2008, claims 1 and 3-16 were rejected under 35 U.S.C. 112, first paragraph, as allegedly failing to comply with the written description requirement. Specifically, the feature of recognizing “the absence or the presence of the mode activation signal,” as recited in claims 1, 8 and 13, is allegedly not supported in the originally filed specification. In addition, claims 1, 3, 6 and 7 were rejected under 35 U.S.C. 102(e) as allegedly being anticipated by U.S. Patent No. 6,963,270 (hereinafter “Gallagher, III et al.”). Furthermore, claims 4, 5 and 8-16 were rejected under 35 U.S.C. 103(a) as allegedly being unpatentable in view of Gallagher, III et al., U.S. Patent App. Pub. No. 2002/0024423 A1 (hereinafter “Kline”), U.S. Patent No. 5,929,779 (hereinafter “MacLellan et al.”), and/or European Patent App. No. EP 0513507 B2 (hereinafter “Iijima”).

With respect to the Section 102 and 103 rejections of claims 1 and 3-16, Applicants have amended the independent claims 1, 8 and 13 to more clearly distinguish the claimed invention from the cited references of Gallagher, III et al., MacLellan et al. and Iijima. As amended, Applicants respectfully assert that the independent claims 1, 8 and 13 are neither anticipated by the cited reference of Gallagher, III et al. nor obvious in view of Gallagher, III et al., MacLellan et al. and/or Iijima, as explained below. In view of the claim amendments and the following remarks, Applicants respectfully request the allowance of pending claims 1 and 3-16.

With respect to the Section 112 rejections, Applicants respectfully assert that the cited features of claims 1, 8 and 13, which have now been amended, are fully supported in the originally filed specification. Since claims 1, 8 and 13 recite similar limitations, only claim 1 will be addressed in detail. The claimed feature of “*the ID communication partner device being activated to one of a Reader Talks First (RTF) mode and a Tag Talks First (TTF) mode when the recognition result signal indicates the absence of the mode activation signal*” is supported at least on page 9, lines 32-34, and on page 10, line 1, of the originally filed specification. The claimed feature of

“the ID communication partner device being activated to the other of the RTF mode and the TTF mode when the recognition result signal indicates the presence of the mode activation signal” is supported at least on page 11, lines 4-8, of the originally filed specification. As such, Applicants respectfully request that the Section 112 rejections of claims 1 and 3-16 be withdrawn.

A. Patentability of Amended Independent Claims 1, 8 and 13

As amended, the independent claim 1 recites in part *“the ID communication partner device being activated to one of a Reader Talks First (RTF) mode and a Tag Talks First (TTF) mode when the recognition result signal indicates the absence of the mode activation signal”* and *“the ID communication partner device being activated to the other of the RTF mode and the TTF mode when the recognition result signal indicates the presence of the mode activation signal,”* which are not disclosed in the cited reference of Gallagher, III et al. Thus, the amended independent claim 1 is not anticipated by the cited reference of Gallagher, III et al. As such, Applicants respectfully request that the amended independent claim 1 be allowed.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

The cited reference of Gallagher, III et al. in column 7, lines 41-48, discloses that special commands are available to explicitly set the Talk First Bit to a “1” to activate the Tag-Talk-First mode or to a “0” to activate the Reader-Talk-First mode. Specifically, a three bit command of 011 is sent, followed by a 10010 in the address field to set the Talk First Bit to “1.” Similarly, the three bit command of 011 is sent, followed by a 10100 in the address field to set the Talk First bit to “0” (i.e., clear the Talk First bit), as described in column 7, lines 49-53, of Gallagher, III et al. Thus, in the system of Gallagher, III et al., a command with a particular sequence of bits activates the Tag-Talk-First mode and a command with another sequence of bits activates the Reader-Talk-First mode. Consequently, in the system of Gallagher, III

et al., the absence of a command or signal does not activate the Tag-Talk-First mode or the Reader-Talk-First mode. Thus, the cite reference of Gallagher, III et al. does not disclose *“the ID communication partner device being activated to one of a Reader Talks First (RTF) mode and a Tag Talks First (TTF) mode when the recognition result signal indicates the absence of the mode activation signal”* and *“the ID communication partner device being activated to the other of the RTF mode and the TTF mode when the recognition result signal indicates the presence of the mode activation signal,”* as recited in the amended independent claim 1. Therefore, the amended independent claim 1 is not anticipated by the cited reference of Gallagher, III et al. As such, Applicants respectfully request that the amended independent claim 1 be allowed.

The amended independent claims 8 and 13 include limitations similar to those of the amended independent claim 1. Thus, Applicants respectfully assert that the amended independent claims 8 and 13 are not obvious in view of the cited references of Gallagher, III et al., MacLellan et al. and/or Iijima since these similar limitations are not disclosed in any of the cited references. As such, Applicants respectfully request that the amended independent claims 8 and 13 be allowed as well.

B. Patentability of Dependent Claims 3-7, 9-12 and 14-16

Each of the dependent claims 3-7, 9-12 and 14-16 depends on one of the amended independent claims 1, 8 and 13. As such, these dependent claims include all the limitations of their respective base claims. Therefore, Applicants submit that these dependent claims are allowable for at least the same reasons as their respective base claims.

Applicants respectfully request reconsideration of the claims in view of the remarks made herein. A notice of allowance is earnestly solicited.

Respectfully submitted,

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